

DLFV

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ SEP 09 2011 ★

-----X  
MARIO MARTINEZ,

Plaintiff,

**BROOKLYN OFFICE  
ORDER**

11 CV 0655 (RJD) (JO)

-against-

DEWALT INDUSTRIAL TOOL CO., et al.,  
Defendants.  
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DEARIE, District Judge.

On February 7, 2011, defendant Probuild Company LLC filed a Notice of Removal removing this action from the Supreme Court of the State of New York, Queens County, on the basis of diversity jurisdiction.

By Report and Recommendation dated July 8, 2011, Magistrate Judge Orenstein advises that the parties' are in unanimous agreement that this court lacks subject matter jurisdiction and recommends that the court remand this case to the Supreme Court of the State of New York, Queens County. None of the parties filed objections.

Accordingly, the Report and Recommendation is adopted, and the case is remanded.

SO ORDERED.

Dated: Brooklyn, New York  
September 8, 2011

s/Raymond J. Dearie

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RAYMOND J. DEARIE  
United States District Judge